



Proposed Revisions to the Charter of the City of North Miami

January 14, 2013

northmiamifl.gov



Original

Sec. 8. Powers of the city.

(a)The city shall have all the powers granted to municipal corporations and to cities by the Constitution and general laws of the state, together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within or without its corporate limits for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage, and control such property as its interests may require. No property of the city shall be sold for less than ninety (90) percent of the appraised value of the property as determined by a city secured MAI appraisal. Except as prohibited by the Constitution of this state or restricted by this charter, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers, which, under the Constitution of this state, it would be competent for this charter specifically to enumerate.



Revised

[LANGUAGE REVISED]

Sec. 8. Powers of the city.

(a)The city shall have all the powers granted to municipal corporations and to cities by the Constitution and general laws of the state, together with all the implied powers necessary to carry into execution all the powers granted. The city may acquire property within or without its corporate limits for any city purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage, and control such property as its interests may require. No property of the city shall be sold for less than ninety (90) percent of the appraised value of the property as determined by a at least two city secured MAI appraisals. Except as prohibited by the Constitution of this state or restricted by this charter, the city shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers, which, under the Constitution of this state, it would be competent for this charter specifically to enumerate.

Original

Revised

Sec. 8. Powers of the city. [continued]

- (b) Said city shall have and is granted the rights and powers:
- (1) To establish, lay out, open, grade, pave, curb, widen, maintain, and keep clean and sanitary, and otherwise improve and to abandon or vacate, streets, alleys, bridges, sidewalks, parks, parkways, promenades, and other public places and ways.
 - (2) To prevent obstructions in and regulate travel, trade and traffic in, over or upon any or all such ways including the power to regulate the weight, equipment, operation and speed of engines, trains, motor and other vehicles operating in or through the city.
 - (3) To require any and all wires, pipes and other facilities to be placed and maintained underground.
 - (4) To require carriers to install and maintain at their expense adequate warning lights, gates and signals or watchmen, where deemed necessary.
 - (5) To exercise all powers, the object of which is to promote the public health, public safety, public morals and public welfare; and no ordinance enacted hereunder shall be held to be void unless plainly shown to be unrelated to such ends.
 - (6) To license upon such terms and conditions as the council may from time to time determine, and to tax, regulate, or prohibit within the city, such businesses, professions, pursuits, occupations and devices as the council may from time to time designate by ordinance.
- To license, tax and regulate carriers;
- b. To license and, for revenue or regulation, to tax businesses, professions and occupations generally, including nonprofit corporations;
- c. To collect and enforce all licenses, excise, privilege and regulatory or revenue taxes in general by levy and sale under a collector's warrant, property used in the business, profession, or occupation or owned by the person, firm or corporation, subject to such tax or excise, such levy and sale to be made in such manner and after such notice as the council may prescribe.
- (7) To impose and collect special taxes or assessments for the use of streets, collection of garbage, and for other privileges and protection, including police and fire protection, and to impose such taxes per capita, or by dwellings, or otherwise, and to classify persons and properties by residences, locations, or otherwise, for the assessment of such taxes or special assessments, provided that the rates of such taxes or special assessment[s], shall be uniform and equal against all persons and properties in the respective classes and under substantially the same circumstances.
- (8) Subject to the provisions in Article I, Section 8(a) to acquire operate, mortgage, lease, sell or otherwise dispose of all kinds of public improvements, conveniences and facilities, including:
- a. Sanitary and storm sewers; b. A water system; c. Fire prevention and extinguishing equipment;
 - d. Facilities for furnishing light, power, heat and refrigeration (to the inhabitants, either by electricity, gas or other means); e. Buildings for City of North Miami offices and administration; f. Public markets; g. Incinerators; h. Dumping grounds; i. Auditoriums; j. Amphitheatres; k. Parks; l. Playgrounds; m. Golf courses; n. Athletic and recreational fields; o. Parking lots; p. A public library, (according to the provisions of the general law as contained in Sections 167.30 to 167.39 inclusive of Florida Statutes 1941).
- (9) To enact ordinances defining offenses against the city and to provide the punishments therefor, but in such cases, the maximum fine to be imposed shall not exceed five hundred dollars (\$500.00), and imprisonment shall not exceed sixty (60) days.
- (10) To levy, assess and collect such general and special taxes on all property within the city, and such special assessment for special or local improvements, and such excise and privilege taxes, as shall be lawful for carrying out the purpose and powers of the city, provided that no taxes in excess of two (2) mills shall be levied for the benefit of a public library.
- (11) To adopt group insurance plans affording such coverage to such officers and employees of the city as the council may authorize by ordinance and to participate therein by contributing to the payment of premiums from any moneys appropriated and to such extent as may be authorized by the city council in the ordinance adopting such plan or plans.



[NEW LANGUAGE – language summarized and consolidated]

Limitation of Powers.

The powers of the city, in addition to the limitations imposed by law, are further limited by the following:

(a) The city council shall have and exercise all powers of the city not specifically conferred upon other officers and employees. It may delegate any power except the power to fix the rate of taxes, enact ordinances and resolutions, incur indebtedness, adopt a budget and appropriate funds.

(b) The city council may create, change or amend any existing zoning classification within the city in accordance with the procedure contained in Section 166.041(c), Florida Statutes (2009), or such other procedure as may be permitted by state law.

Original

Sec. 10. Number; selection; term.

(1)The city shall be governed by a mayor and city council. The council shall consist of four (4) councilmembers and a mayor. Four (4) single member districts shall be created for the election of four (4) councilmembers, with such districts to be determined by city ordinance.

(2)Each candidate for council shall run in one (1) of four (4) districts designated as Districts 1, 2, 3, and 4. The mayor shall be elected at large. The terms of the councilmembers shall end on the fourth Tuesday of May of the fourth year of their term or when their successors in office are elected and sworn into office beginning with the election in 2013.

(3)On the second Tuesday in May of each odd-numbered year, two (2) councilmembers shall be elected for a four-year term. No councilmember including the mayor shall serve more than two (2) consecutive terms beginning with the election in 2013. The mayor shall be elected for a two-year term. Service will be deemed consecutive unless there is a two-year period during which the individual does not serve as councilmember or mayor ("Break in Service"). Any person serving the maximum amount of years as mayor must have a two-year Break in Service before serving as councilmember. Any person serving the maximum amount of years as councilmember is not mandated to have a two-year Break in Service before serving as mayor. A councilmember candidate must continuously reside in the district for which the candidate is seeking election for a period of one (1) year prior to the time of qualification and thereafter.

[...ETC.]

Revised

[LANGUAGE REVISED]

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(2)Each candidate for council shall run in one (1) of four (4) districts designated as Districts 1, 2, 3, and 4. The mayor shall be elected at large. The terms of the councilmembers shall end on the fourth Tuesday of May of the fourth year of their term or when their successors in office are elected and sworn into office beginning with the election in 2013.

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[...ETC.]

Original

Sec. 14. Powers.

All powers of the city and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing, the council shall have power to:


- (1) Appoint and remove the city manager;
- (2) Establish other administrative departments and distribute the work of divisions;
- (3) Adopt the city budget;
- (4) Authorize the issuance of bonds by a bond ordinance;
- (5) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;
- (6) Appoint such boards as may be necessary to perform the duties of this charter;
- (7) Adopt plats;
- (8) Adopt and modify the official map of the city;
- (9) Regulate and restrict the height and number of stories of buildings and other structures, the size of yards and courts, the density of populations and the location and use of buildings for trade, business, residence or other purpose in total conformity with the Comprehensive Plan, as may be amended from time to time.
- (10) Provide for safe and sanitary housing accommodations for families of low income;
- (11) Create a housing authority;
- (12) Adopt, modify and carry out plans proposed by the planning commission for the clearance of slum districts and rehabilitation of blighted areas;
- (13) Adopt, modify and carry out plans proposed by the planning commission for the replanning, improvement and redevelopment of any area or district which may have been destroyed in whole or in part by disaster;
- (14) Provide for an independent audit;
- (15) The council shall have and exercise all powers of the city not specifically conferred upon other officers and employees. It may delegate any powers except the power to fix the rate of taxes, enact ordinances and resolutions, adopt a budget and tax roll, or appropriate money;
- (16) The council shall have the power of granting franchises for public utilities by ordinance.

Revised

[LANGUAGE REVISED]

Sec. 14. Powers

All powers of the city and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

- (1) Appoint and remove the city manager; and city attorney;
- ~~(2) Establish other administrative departments and distribute the work of divisions; [See subsection 17 below-redundant]~~
- (3) Adopt the city budget;
- (4) Authorize the issuance of bonds by a bond ordinance;
- (5) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;
- (6) Appoint such boards as may be necessary to perform the duties of this charter;
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Original

Sec. 14. Powers. [continued]

All powers of the city and the determination of all matters of policy shall be vested in the council. Without limitation of the foregoing, the council shall have power to:

- (1) Appoint and remove the city manager;
- (2) Establish other administrative departments and distribute the work of divisions;
- (3) Adopt the city budget;
- (4) Authorize the issuance of bonds by a bond ordinance;
- (5) Inquire into the conduct of any office, department or agency of the city and make investigations as to municipal affairs;
- (6) Appoint such boards as may be necessary to perform the duties of this charter;
- (7) Adopt plats;
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- (14) Provide for an independent audit;
- (15) The council shall have and exercise all powers of the city not specifically conferred upon other officers and employees. It may delegate any powers except the power to fix the rate of taxes, enact ordinances and resolutions, adopt a budget and tax roll, or appropriate money;
- (16) The council shall have the power of granting franchises for public utilities by ordinance.

Revised

[LANGUAGE MOVED]

(17) The council by ordinance may create, change, and abolish offices, departments or agencies, other than the offices, departments and agencies established by this charter.

[moved from original section 16]

(18) Adopt legislation

(19) Determine the tax levied



(20) The council shall be the judge of the election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts.

[moved from original section 17]

Original

Sec. 15. Vacancies on the council.

(2) All other vacancies shall be filled in the next election being held in the City of North Miami whether a city election or general election if the election occurs more than forty-five (45) days and less than one hundred twenty (120) days after the occurrence of the election vacancy. Otherwise, any vacancy on the city council shall be filled by majority vote of the remaining members of the city council within sixty (60) days after the occurrence of the vacancy, or the city council may notify the city clerk or deputy city clerk to call a special election, in no less than sixty (60) days more than one hundred twenty (120) days after the occurrence of the vacancy. The person appointed to fill the office vacated must at the time of appointment be a qualified elector of the City of North Miami as required in Article II, Section 5 of the city charter. A person appointed shall serve only until the next election, whether regular city council election, special city election or any county-wide or general election. A person so elected shall serve for the remainder of the unexpired term of office. (2) If the office of a councilmember becomes vacant on or before the councilmember has served one half of his or her term plus one day, a special election shall be held within sixty (60) days to fill the vacancy for the balance of the term. If the office of a councilmember becomes vacant more than one half of his or her term plus one day after the councilmember takes office, then the remaining members of the council shall choose a successor and such appointee shall fill the vacancy for the balance of the term.

Revised

[LANGUAGE REVISED]

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Original

Sec. 16. Creation of new departments or offices; changes of duties.

The council by ordinance may create, change, and abolish offices, departments or agencies, other than the offices, departments and agencies established by this charter. The council by ordinance may assign additional functions or duties to offices, departments or agencies established by this charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this charter to a particular office, department or agency.



Revised

[MOVED TO ARTICLE II.- COUNCIL -SECTION14]

~~Sec. 16. Creation of new departments or offices; changes of duties.~~

~~The council by ordinance may create, change, and abolish offices, departments or agencies, other than the offices, departments and agencies established by this charter. The council by ordinance may assign additional functions or duties to offices, departments or agencies established by this charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this charter to a particular office, department or agency.~~

Original

Sec. 17. Procedures for passing ordinances generally.

The city council shall have the power to make and establish for the government of the City of North Miami and the officers of the city, ordinances in writing not inconsistent with this charter, the Constitution and laws of the State of Florida and of the United States, as it may deem necessary.

Each ordinance shall be introduced in writing and shall embrace one subject and matters properly connected with the ordinance. The subject shall be clearly stated in the title. The enacting clause shall be "BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL" No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection. A proposed ordinance may be read by title, or in full, on at least two (2) separate dates and shall, at least ten (10) days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting, the title or titles of proposed ordinances, and the place or places within the municipality where the proposed ordinance may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance. No ordinance shall be declared invalid by reason of any defect in publication or title if the published summary gives reasonable notice of its intent. At the time and place advertised, or at any time and place to which such public hearing may, from time to time, be continued, the ordinance shall be read by title and a public hearing shall be held. After the hearing, the city council may pass the ordinance with or without amendment. The effective date shall not be earlier than ten (10) days after its enactment, or as provided in the ordinance.

Proposed ordinances which enact or amend the city's zoning ordinance or comprehensive plan of the City of North Miami shall be adopted according to the requirements set forth in the city's zoning ordinance. All other ordinances or resolutions or other official action shall require three affirmative votes of the entire council.

To meet a public emergency affecting life, health, property or public safety, the city council by a four-fifths (4/5) vote of the entire council may adopt an emergency ordinance at the meeting at which it is introduced and may make it effective immediately. After adoption of an emergency ordinance, the city council shall cause it to be published in full within ten (10) days in a newspaper of general circulation in the municipality. No emergency ordinance shall be enacted which enacts or amends a land use plan or which rezones private property.

Revised

[LANGUAGE DELETED - THIS IS FLORIDA STATUTE 166.041]

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Original

Sec. 27. Budget a public record.

The budget and all supporting schedules shall be a public record in the office of the city clerk open to public inspection by anyone. The city manager shall cause sufficient copies of the budget to be prepared for distribution to interested persons.

Sec. 28. Publication of notice of public hearing(s).

At a meeting of the council, the council shall determine the place and time of the public hearing(s) on the budget, in accordance with state law, and shall cause to be posted in the city hall of North Miami a notice of the time and place of the budget hearing(s).

Sec. 29. Public hearing(s) on budget.

At the time and place so advertised, or at any time and place to which such public hearing(s) shall from time to time be adjourned, the council shall hold public hearing(s) on the budget as submitted, at which all interested persons shall be given an opportunity to be heard on any item thereof.

Sec. 30. Vote required for adoption.

The budget shall be adopted by the favorable votes of at least a majority of all the members of the council.

Revised

[LANGUAGE MOVE TO CODE]

Sec. 27. Budget a public record.

~~The budget and all supporting schedules shall be a public record in the office of the city clerk open to public inspection by anyone. The city manager shall cause sufficient copies of the budget to be prepared for distribution to interested persons.~~

[sunshine law]

[LANGUAGE MOVE TO CODE]

Sec. 28. Publication of notice of public hearing(s).

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[sunshine law]

[LANGUAGE MOVE TO CODE]

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[sunshine law]

[LANGUAGE DELETED]

Sec. 30. Vote required for adoption.

~~The budget shall be adopted by the favorable votes of at least a majority of all the members of the council.~~

[common sense law☺]

Original

Sec. 32. Effective date of budget; copies made available.

Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be filed in the office of the city clerk. The budget so adopted shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations.

Sec. 33. Budget establishes appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.



Revised

[LANGUAGE MOVE TO CODE]

~~**Sec. 32. Effective date of budget; copies made available.**~~

~~Upon final adoption, the budget shall be in effect for the budget year. A copy of the budget, as finally adopted, shall be filed in the office of the city clerk. The budget so adopted shall be printed, mimeographed or otherwise reproduced and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations.~~

[public records law- should be in code]

[LANGUAGE DELETED]

~~**Sec. 33. Budget establishes appropriations.**~~

~~From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named.~~

[redundant see section 26]

Original

ARTICLE VII. DEPARTMENT OF PERSONNEL

Sec. 44. Merit basis of appointment.

Sec. 45. Personnel director; qualifications.

Sec. 46. Personnel director; powers and duties.

Sec. 47. Personnel board; appointment.

Sec. 48. Personnel board; qualifications.

Sec. 49. Personnel board; compensation.

Sec. 50. Personnel board; powers and duties.

Sec. 51. Rules.

Sec. 52. Unclassified and classified service.

Sec. 53. Classification.

Sec. 54. Promotions.

Sec. 55. Pay plan.

Sec. 56. Pension and retirement system.

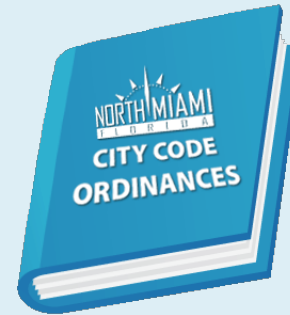
Sec. 57. Oaths.

Sec. 58. Prohibitions.



Revised

[MOVE TO CODE]



Original

Revised

Sec. 67. Recall of elected officials.

(a) The city council shall, within sixty (60) days after the effective date of this section, adopt an ordinance providing for the adoption of Florida Statute section 100.361, entitled "Municipal Recall" so that the provisions of section 100.361, F.S. (1983) shall apply to the city council of the City of North Miami.

(b) Said ordinance described in 67(a) above, shall also contain provisions making the substance of section 100.361, F.S. (1983), as embodied in said ordinance, applicable to the city clerk position, as long as said position is an elected one. Said ordinance shall provide that if the elected official sought to be recalled is the city clerk, then the mayor and council shall request that the chief judge of the circuit court appoint an individual to perform the duties of the clerk set forth with regard to recall procedures, and that if the chief judge should decline to so do, the mayor and council shall request that the governor appoint such an individual.

(c) The city council shall review any changes made from time to time in section 100.361, [F.S.] and may adopt by ordinance enacted by four-fifths of the membership of the city council any revisions to the provisions of section 100.361, F.S. (1983) which are not otherwise applicable to the city.

[LANGUAGE REVISED TO COMPORT WITH FLORIDA STATUTES]

Sec. 67. Recall of elected officials.

All elected officers of the City of North Miami shall be subject to recall from office in accordance with the provisions of section 100.361 Florida Statutes (2012), or such other procedure as may be permitted by state law.

Original

ARTICLE IX . - CITY CLERK

Sec. 80. Elected officials.

Anything in this charter to the contrary notwithstanding, the city clerk shall continue to be elected by the people in the same manner as is now provided by law, and shall perform such duties as may now or hereafter be provided by ordinance.

Sec. 81. City clerk; election.

(a) On the second Tuesday in May of an odd-numbered year, the city clerk shall be elected to hold office for a term of four (4) years and until his or her successor is elected and qualified but beginning in 2013 shall be limited to serving no more than two consecutive terms. In the event that no candidate receives a majority of the votes cast, then a runoff election shall be held between the two (2) candidates receiving the highest number of votes at the time and in the manner set forth in 61. In the event a vacancy occurs in the office of city clerk, the deputy city clerk shall assume the duties of the city clerk. Such vacancy shall be filled for a full four-year term in the next regular election being held for the City of North Miami.

(b) Qualifications. Except as otherwise provided below, any qualified voter of the City of North Miami may qualify and run for the office of city clerk. Such candidate must have been a resident of this city for at least one (1) year prior to qualifying. The city council may, by ordinance, establish additional qualifications, applicable subsequent to the May 1985 election of the city clerk. ...[ETC.]

Revised

[LANGUAGE REVISED/NEW PROVISION]

ARTICLE IX . - CITY CLERK

Beginning with the May ?, 20?? City of North Miami election, the mayor, subject to a majority vote of the city council, may appoint an employee of the city who shall have the title of city clerk, who shall give notice of council meetings, shall keep the journal of its proceedings, shall authenticate by his or her signature, and record in a book kept for the purpose, all ordinances and resolutions, shall have authority to administer oaths, shall periodically examine and analyze the condition of all municipal departments and assist in the preparation of the budget, shall have charge of the conduct of municipal elections, shall act as supervisor of registration, and shall perform such other duties as shall be required by this charter, by ordinance, or by the mayor.

Original

Revised

[NEW LANGUAGE]

Article X.- CHARTER AMENDMENTS

Sec. XX. – Charter Amendments.

Amendments to this charter may be initiated as provided by Section 6.03 of the Miami-Dade County Charter.

Sec. XX. – Charter Review Board.

There shall be a Charter Review Board appointed by the city council in 2021 and this board shall meet periodically thereafter.